

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) No. 02-00160-01-CR-W-FJG
)
 SIRON R. PRIMERS,)
)
 Defendant.)

Pending before the Court are (1) Defendant Primers' Motion to Stay Execution of Order Pending Motion to Reconsider (Doc. No. 118); and (2) Defendant Primers' Motion to Reconsider Sentence at Supervised Release Revocation (Doc. No. 119).

Case 4:02-cr-00160-FJG Document 122 Filed 05/07/09 Page 1 of 2

sentencing; however, defendants are deemed to be on constructive notice for mandatory and standard conditions of supervised release announced for the first time in a written judgment, and therefore have no right-to-be-present claim with respect to such conditions). In the present matter, no new special conditions were imposed, and defendant was given adequate notice of his conditions of supervised release in his original sentencing hearing. Thus, no further hearing is necessary.

Furthermore, the Court finds that there is no argument that defendant could present at rehearing that would change the Court's conclusions about the sentence and period of supervised release previously ordered by this Court (see Doc. No. 117). Accordingly, Defendant Primers' Motion to Reconsider Sentence at Supervised Release Revocation (Doc. No. 119) is **DENIED**. As the Motion to Reconsider has now been ruled, Defendant Primers' Motion to Stay Execution of Order Pending Motion to Reconsider (Doc. No. 118) is **DENIED AS MOOT**.

IT IS SO ORDERED.

Date: 5/7/09
Kansas City, Missouri

S/ FERNANDO J. GAITAN, JR.
Fernando J. Gaitan, Jr.
Chief United States District Judge